

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR BARTHOLOMEW COUNTY)

Case No. 03S00-1212-MS-700

ORDER APPROVING AMENDED LOCAL RULES

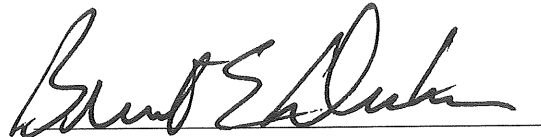
The Judges of the Bartholomew Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E) and Ind. Criminal Rule 2.2 and special judge selection pursuant to Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Bartholomew Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR03-AR17-1, LR03-CR2.2-1 and LR03-CR13-1 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR03-AR17-1, LR03-CR2.2-1 and LR03-CR-13-1 for Bartholomew County Courts, set forth as an attachment to this Order, are approved effective immediately. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Stephen R. Heimann, Bartholomew Circuit Court, 234 Washington, Columbus, IN 47201-6750; the Hon. Kathleen Tighe Coriden, Bartholomew Superior Court 2, 234 Washington, Columbus, IN 47201-6750; to the Hon. James Worton, Judge-elect, Bartholomew Superior Court 1, 234 Washington, Columbus, IN 47201-6750; to the Hon. Chris D. Monroe, Bartholomew Superior Court 1, 234 Washington, Columbus, IN 47201-6750; to the Clerk of the Bartholomew Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Bartholomew Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 20th day of December, 2012.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR03-AR17-1: Caseload Plan

CRIMINAL CASE FILINGS

See LR03-CR2.2-1

Transfer of Criminal Cases See LR03-CR13-1

CIVIL CASE FILINGS

(A) Infraction cases (except for juvenile non-driving infractions) shall be filed in Superior Court 2.

(B) Ordinance Violation cases may be filed in any court.

(C) Juvenile Chins, Delinquents, Status, Miscellaneous, Juvenile Infractions, and Juvenile Ordinance Violation cases shall be filed in Circuit Court.

(D) Civil Plenary, Reciprocal, Adoption, Estates, Guardianships, Trusts, and Miscellaneous Civil cases may be filed in any court.

(E) Civil Tort cases shall be filed randomly between Circuit, Superior1 and Superior 2 Courts.

(F) Mortgage Foreclosure cases may be filed in either Circuit or Superior 1.

(G) Civil Collection cases filed by a governmental entity shall be filed in Circuit. All other Civil Collection cases shall be filed in Superior 2.

(H) Small Claim cases shall be filed in Superior Court 2.

(I) Mental Health cases shall be filed in Superior 1.

(J) Protective Order cases shall be filed randomly between Superior 1 and Superior 2 Courts with Superior Court 1 receiving one-third (1/3) and Superior Court 2 receiving two-thirds (2/3) of these cases, **unless** there is currently pending a case involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the other cases is pending, **unless** the underlying case is a DR filed in Circuit Court. In that case, the protective order case shall be filed in Superior Court 2 and the DR case shall be transferred to Superior Court 2. Circuit Court shall retain those PO cases where there is currently pending another case in Circuit Court other than a DR case (such as JP, JC, JD, JS, or JT cases).

(K) Paternity cases shall be filed randomly between Circuit and Superior 1.

(L) Domestic Relations cases shall be filed randomly between Superior 1 and Superior 2 Courts with Superior 1 receiving two-thirds (2/3) and Superior 2 receiving one-third (1/3) of these cases.

(M) All Domestic Relations cases open and pending in Circuit Court at the end of 2012 shall be transferred to Superior Court 1. All Circuit Court Domestic Relation cases currently closed, but reopened in 2013 shall be transferred to Superior Court 1.

(N) One-half (1/2) of the Paternity cases open and pending in Circuit Court at the end of 2012 shall be randomly transferred to Superior Court 1. One-half (1/2) of the Paternity cases currently closed, but reopened in 2013 shall be randomly transferred to Superior Court 1.

(O) All Civil Tort cases set for trial during the months of January, February, March, and April of 2013 in Circuit Court shall be transferred to Superior Court 1.

LR03-CR00-1 Warrant Signatures: Authority to Sign

In the event that a presiding judge in Bartholomew County is not available for any reason to sign an Arrest Warrant or Search Warrant which was filed in the presiding judge's court, then any of the other sitting judges from Circuit, Superior Court 2, the magistrate from Superior Court 2, or the magistrate from Bartholomew Circuit Court may sign the warrant.

LR03-CR2.2-1: General Rules for Assignment of Criminal Cases

(a) Superior Court 2 The following types of cases shall be docketed with Superior Court 2:

- (1) all class D, C, and B felonies related to driving offenses;
- (2) all classes of misdemeanors; and
- (3) all classes of infractions.

(b) Circuit Court The clerk shall docket the following with the Circuit Court:

- (1) all class A-D felonies (except those specifically denoted to be filed in Superior Court 2) and
- (2) all capital offenses.

(c) Superior Court 1. No criminal cases shall be docketed in Superior Court 1. All criminal felonies pending at the end of 2012 shall be transferred to Circuit Court as well as those misdemeanors where the defendant also has a pending felony. All other pending misdemeanors shall be transferred to Superior Court 2. In the event that a Petition to Revoke Probation or a PCR is filed in a Superior Court 1 case during 2013, it will be transferred to Circuit Court and Superior Court 2, depending on whether it involves a felony or a misdemeanor.

(d) Defendants with Multiple Actions. Notwithstanding LR03-CR2.2-1(a) and (b), when a defendant has a case pending against them in Circuit or Superior Court 2, during the pendency of that case, all subsequent criminal actions filed against that defendant shall be assigned to the court where the initial case was assigned.

(e) Co-Defendants. When two or more defendants are charged with felonies as the result of the same underlying set of facts, they shall all be charged in the same court.

(f) Charges Alleging violation of Protective Order. When a defendant is charged with violation of a Protective Order, those charges shall be filed in the court where the protective order is pending except that if the protective order is pending in Superior Court 1, the violation shall be filed in Circuit Court if filed as a felony and in Superior Court 2 if it is filed as a misdemeanor.

(g) Prosecutor's Knowledge of Potential Conflict. In the event the prosecutor has knowledge prior to the filing of a case that a judge should not receive a case because of a conflict, or for some other reason, the prosecutor may request the filing of a case in a specific court by making specific allegations in a written request filed at the time of filing said case. The judge of the Court in which the prosecutor seeks to file said case may approve this request.

LR03-CR13-1 Transfer of Cases

(a) In the event of a conflict, Circuit Court shall reassign cases to Superior Court 2.

(b) Intentionally left blank

(c) In the event of a conflict, Superior Court 2 shall reassign cases to Circuit Court.

(d) In the event that no courts in Bartholomew County are available to hear a case, then that case shall be transferred on a rotating basis to a judge of one of the other courts in the district in the following order; Brown Circuit, Jackson Circuit, Jackson Superior No 1, Jennings Circuit, Jennings Superior, Decatur Circuit, and Decatur Superior. A judge shall be skipped in the rotation when such judge is known to the court to be ineligible or disqualified. If a judge is so skipped in the rotation, he or she shall be selected for the next eligible case if the ineligibility has been removed.

(e) In the event that no judge is available for assignment or reassignment, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge.

In the Matter of)
Local Court Rules)

The judges of the Bartholomew Circuit and Superior Courts give notice of proposed amendments to the local court rules on the Caseload Plan at LR03-AR17-1, on the Authority to sign Warrants at LR03-CR00-1, and on the Transfer of Cases at LR03-CR13-1. We find good cause to deviate from the schedule for amending local rules, pursuant to Trial Rule 81(B) and (D). Notice has been given to the public by posting on the website of the Bartholomew County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Bartholomew County Bar Association. New language is indicated by underlining and deleted language is indicated by striking through.

Comments may be made until **December 15, 2012** to any of the judges or the magistrate of the Courts. These rule amendments will be **effective** on **January 1, 2013**. Indiana Supreme Court approval is required for the proposed amendments to the Caseload Plan.

ORDERED this 16th day of November, 2012 on behalf of the Judges of Bartholomew County.

/S/

Stephen R. Heimann, Judge
Bartholomew Circuit Court